

Burning Ordinance

03-09

The following is an outline of the Robinson Township Burning Ordinance passed 7-14-2009. For more specifics, refer to the ordinance.

1. There is no burning of garbage or building materials of any kind in the Township.
2. There is no commercial burning permitted at anytime.
3. Open fires in residential areas are permitted November 1st – April 30th once per month not to exceed 48" diameter. Hours: Tuesday – Friday 9:00 AM – 1:00 PM, Saturday 7:00 AM – 3:00 PM. Burning of leaves and grass clippings are prohibited.
4. Recreational fires 36" diameter only 2 fires in 1 month period. Recreational fires only use clean, dry wood. Must be extinguished by midnight.
5. Bonfires – See Burning Ordinance.
6. Grilling and open cooking is permitted at anytime provided gas, charcoal, or wood chips as defined are used. See burning ordinance for more details.
7. Clearing & Grubbing. See Burning Ordinance
8. Ag Areas – See Burning Ordinance

ORDINANCE NO. 03-09

ROBINSON TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA AN
ORDINANCE REGULATING AND CONTROLLING BURNING IN ROBINSON
TOWNSHIP PROVIDING FOR PERMITTING AND PENALTIES FOR VIOLATION OF
THIS ORDINANCE

Section 1 Definitions. As used in this Ordinance the
following terms shall have the meanings indicated, unless a
different meaning clearly appears from the context:

AIR CURTAIN DESTRUCTOR - a mechanical device which
forcefully projects a curtain of air across a pit on which open
burning is being conducted so that combustion efficiency is
increased and smoke and other particulate matter are contained.

BOARD OF SUPERVISORS - the Board of Supervisors of the
Township.

BON FIRE - any recreational fire greater in size than 48"
diameter.

BURNING - the act of consuming by fire; to flame, char,
scorch, or blaze as used in this Ordinance, smoldering shall
have the same meaning as burning, and any smoldering shall be
deemed a burning.

CLEARING AND GRUBBING WASTE - trees, shrubs and other
native vegetation which are cleared from land during or prior to
the process of construction. The term does not include
demolition wastes and dirt laden roots.

CODE ENFORCEMENT OFFICER - the duly appointed person by the
Board of Supervisors charged with the enforce of this Ordinance.

FURNACE - any enclosed device specifically designed for
burning any material for the production of heat.

GARBAGE - all putrescible animal and vegetable matter
resulting from the handling, preparation, cooking and
consumption of food.

GRILLING AND OPEN COOKING - any fire used for food
preparation which uses gas, charcoal briquettes and/or a
combination of charcoal and wood chips which are generally
recognized, marketed and sold as a material used for the
flavoring of grilled foods and does not exceed 48" diameter.

INCINERATOR - any device specifically designed for the destruction by burning of refuse, sewage sludge, to any other combustible material.

NONPUTRESCIBLE MATERIAL - any material of an organic matter which can decompose.

OPEN FIRE - a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator. Burning shall also constitute an open fire.

PERSON - any individual, partnership, association, cooperation, department, bureau, agency or other legal entity.

POLICE DEPARTMENT - The police department, agency or cooperative force to designate by the Township to provide police services to the Township.

RECEPTACLE - a container in which all materials to be burned are placed.

RECREATIONAL FIRE - a fire for the purpose of limited outdoor recreational use such as a cook out and scouting activities not greater than 48" in diameter. Also, any fire not confirmed to the primary residence not used for heating during winter months and also any fire not defined as Grilling or Open Cooking.

REFUSE - garbage, rubbish and trade waste.

RESPONSIBLE ADULT - an individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his/her ability to properly supervise a fire.

RUBBISH - solids not considered to be highly flammable or explosive including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SALVAGE OPERATION - any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to, metals, chemicals, shipping containers or drums.

TRADE WASTE - all solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business trade or industry including but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

YARD WASTE - material accumulated from the general maintenance of a yard. The material includes but is not limited to branches from trees, and shrubbery and/or native vegetation and or brush. For the purposes of this Ordinance, yard waste does not include leaves or grass clippings.

Section 2 Enforcement. The Robinson Township designated police enforcement department and/or code enforcement officer shall have the power and duty to enforce the provisions of this Ordinance.

Section 3 Regulations.

1. All open burning in Robinson Township shall comply with the Commonwealth of Pennsylvania, Pennsylvania Code and Department of Environmental Protection, laws, rules and regulations. Where any conflicts with this Ordinance exist, the strictest regulations shall apply in order to best serve the interests of citizens of Robinson Township regarding health, safety and protection from the annoyance of open burning. In addition, all open burning shall comply with the following:

A. Requests for open burning for clearing and grubbing shall be submitted in writing at least seventy-two (72) hours before the fire is set. The written request shall contain information regarding the purpose of the proposed burning, the type and quantity of the material, the location of the burning and the date of the burning. All such burning can only be performed by use of an approved incinerator or air curtain destructor.

B. No person shall ignite or feed an open fire for the destruction of refuse, destruction of any structure or in the conduct of a salvage operation, or the destruction of trade waste in a public or private place outside any building.

C. No person shall ignite or feed an open fire for the destruction of garbage, rubbish or trade waste.

D. No person shall cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse, or in the conduct of a salvage operation of the destruction of trade waste on any property under this control outside of any building.

E. Open burning by any business in the Township is strictly prohibited.

F. The burning of leaves and grass clippings in the Township is strictly prohibited.

2. Exceptions. An Open fire may be set provided:

A. Open fires may be set in the performance of an official duty of the Code Enforcement Officer, Police Department or designated fire official if the fire is necessary for:

(1) The prevention of a fire hazard which cannot be abated by other means.

(2) The protection of public health.

B. Open fires may be set provided:

(1) Open fires as permitted in this Ordinance shall only be permitted between November 1st and April 30th of each year and only once per month per residence and shall not exceed 48" in diameter. All such burning shall only be permitted Tuesday through Friday from 9:00 a.m. to 1:00 p.m. and Saturday from 7:00 a.m. to 3:00 p.m. At the end of those times, all burning shall be completely extinguished with no smoldering.

Agricultural areas may exceed size and time and other requirements provided no hazardous or other objectionable conditions will be created by such burning.

(2) Branches and other nonputrescible vegetable matter only are burned, and that the fire is constantly attended by a competent adult person eighteen (18) years or older, until such fire is completely extinguished.

(3) No hazardous or other objectionable condition will be created by such burning.

(4) No such burning is allowed on any street or sidewalk within the Township.

(5) All such burning is at least 50 feet from the nearest structure.

(6) All such burning is not conducted on Sundays or state or federally recognized holidays.

(7) Recreational Fires Recreational fires may be conducted in accordance with all of the following provisions:

- a. Recreational fires shall burn only dried, clean wood with a maximum diameter of three (3) feet and maximum height of two (2) feet.
- b. Recreational fires shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways or surrounding properties. Recreational fires shall be conducted in conformance with all local and state fire protection regulations.
- c. Recreational fires shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- d. Recreation fires shall be conducted at a location at least fifteen (15) feet from:
 - (a) the nearest structure of the property.
 - (b) any combustible material, combustible wall or partition, exterior window opening, exit access or exit

and twenty-five (25) feet from any structure which is not on the same property.

- e. All recreational fires shall be extinguished by midnight.
- f. Recreational fires shall not cause a nuisance to neighbors.
- g. Only two (2) Recreational fires shall be permitted in any thirty (30) day period.

(8) Bonfires - Recreational Bonfires may be conducted after review, approval by the Police Department or Code Enforcement Officer in accordance with all of the following provisions:

- a. Recreational Bonfires shall burn only dried, clean wood.
- b. Recreational bonfires shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways or surrounding properties. Recreational fires shall be conducted in conformance with all local and state fire protection regulations.
- c. Recreational bonfires shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- d. Recreation bonfires shall be conducted at a location at least fifty (50) feet from:
 - (a) the nearest structure of the property.
 - (b) any combustible material, combustible wall or partition, exterior window opening, exit access or exit

and one-hundred (100) feet from any structure which is not on the same property.

- e. All recreational bonfires shall be extinguished by midnight.
- f. Recreational bonfires shall not cause a nuisance to neighbors.

C. BON FIRES-Bon fires as defined herein may be allowed upon written request submitted to the Township at least 72 hours in advance of the scheduled time of the anticipated start time of the recreational fire. Any such approval shall be at the sole discretion of the Township Code Enforcement Officer or designated Township Officials, in his/her absence.

Section 4. The prohibitions of fires contained herein shall include the outdoor cooking of food with the use of any burning material other than charcoal or wood chips which are generally recognized, marketed and sold as a material used for the cooking and flavoring of grilled food.

Section 5 Transportation. No materials of any nature, even otherwise permitted to be burned by the provisions of this ordinance, shall be transported from any other properties outside the Township or within the Township to the burn site property for burning. Pre-cut cordwood and wood used for the permitted Recreational and/or Bon Fires may be transported from one property to another upon approval of type and source of the burning material as set forth on the application may be transported from one location to another into or within the Township to be burned.

Section 6 Prohibition of Open Burning.

1. Grant of Power. The Board of Supervisors is authorized to prohibit open fires of any nature including fires or burning allowed pursuant to this Ordinance or fires in incinerators when, in the sole discretion of the Board, the public health, safety and/or welfare will be aided by such prohibition. In addition, the Township Code Enforcement Officer, after consulting with the Board of Supervisors, shall have the power to prohibit such open burning and/or fires in emergency situations until the Board of Supervisors can formally act on the prohibitions.

2. Procedure.

A. Upon motion at any regular or special meeting of the Board, the Board may prohibit open fires of any nature including fires or burning allowed pursuant to this Ordinance or fires in incinerators either for a period of time specified in the motion or until further motion of the Board either modifying or revoking the prohibition.

B. Any person violating the prohibition shall be first informed by the Township Code Enforcement Officer or designate Township official or his/her designee of the prohibition and directed to completely extinguish the illegal burning forthwith. Only upon failure to comply with said directive and/or upon the ignition of another fire shall the penalties of this Part become applicable to said person or failure to comply with the prohibition.

Section 7 Penalties.

A. Any persons, firm or corporation who shall violate any provision of this Part, upon conviction thereof in action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than Six Hundred (\$600.00) Dollars no more than One Thousand Dollars (\$1,000.00) plus costs and, in default of payment of said fin and costs, to a term of imprisonment not to exceed ninety (90) days. Whenever any person violating any of the provisions of this Part is notified of such violation in writing by the Township Code Enforcement Officer each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

B. The Township Code Enforcement Officer and the Township Police are empowered to enter upon any property upon information or belief that a violation of this Ordinance exists.

C. Nothing contained herein shall restrict in any manner, the Township's ability to seek an action on law or in equity and/or for injunctive relief to enforce the

provisions of this Ordinance and/or to compensate or make a claim for damages and/or actual costs incurred by the enforcement of this Ordinance including, but not limited to reimbursement of costs, expenses, and/or attorney fees incurred by the Township for enforcement of this Ordinance.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township of Robinson Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Effective Date. This Ordinance shall become effective immediately upon passage, or as otherwise allowed by law.

All Ordinances and Resolutions or parts thereof, insofar as the same are inconsistent herewith, are repealed hereby.

ORDAINED AND ENACTED by the Robinson Township Board of Supervisors in lawful session meeting this 14th day of July, 2009.

ATTEST:

Charles L. Russell
Secretary

ROBINSON TOWNSHIP
BOARD OF SUPERVISORS

[Signature]
Chairman